

# **STATE PLAN FOR INDEPENDENT LIVING (SPIIL)**

## **Chapter 1, Title VII of the Rehabilitation Act of 1973, as Amended**

### **STATE INDEPENDENT LIVING SERVICES (SILS) PROGRAM PART B**

### **CENTERS FOR INDEPENDENT LIVING (CIL) PROGRAM PART C**

**FISCAL YEARS \_2014 - 2016\_**

**Effective Date: October 1, 2013**

**OMB NUMBER: 1820-0527**

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## PART I: Assurances

State of: North Dakota

### Section 1: Legal Basis and Certifications

- 1.1 The designated State unit (DSU) eligible to submit the State Plan for Independent Living (SPIL or the plan) and authorized under State law to perform the functions of the State under the State Independent Living Services (SILS) and Centers for Independent Living (CIL) programs is the Division of Vocational Rehabilitation (insert name of DSU). *34 CFR 76.104(a)(1) and (2); 34 CFR 364.22(a)*
- 1.2 The separate State agency eligible to submit the plan and authorized under State law to provide vocational rehabilitation (VR) services to individuals who are blind is \_\_\_\_N/A\_\_\_\_ (insert name of separate State agency). Indicate N/A if not applicable. *34 CFR 76.104(a)(1) and (2); 34 CFR 364.20(d) and 364.22(c)*
- 1.3 The Statewide Independent Living Council (SILC) that meets the requirements of section 705 of the Act and is authorized to perform the functions outlined in section 705(c) of the Act in the State is \_North Dakota Statewide Independent Living Council\_ (insert name of SILC). *34 CFR 364.21(a)*
- 1.4 The DSU and, if applicable, the separate State agency authorized to provide VR services to individuals who are blind, and the SILC are authorized to jointly develop, sign and submit this SPIL on behalf of the State, and have adopted or otherwise formally approved the SPIL. *34 CFR 76.104(a)(7); 34 CFR 364.20(c) and (d)*
- 1.5 The DSU, and, if applicable, the separate State agency authorized to provide VR services to individuals who are blind, may legally carry out each provision of the plan and will comply with all applicable Federal statutes and regulations in effect with respect to the three-year period it receives funding under the SPIL. *34 CFR 76.104; 34 CFR 80.11(c)*
- 1.6 The SPIL is the basis for State operation and administration of the program. All provisions of the SPIL are consistent with State law. *34 CFR 76.104(a)(4) and (8)*
- 1.7 The representative of the DSU and, if applicable, of the separate State agency authorized to provide VR services to individuals who are blind, who has the authority under State law to receive, hold, and disburse Federal funds made available under the SPIL and to submit the SPIL jointly with the SILC chairperson is \_Russell Cusack, Director, Division of Vocational Rehabilitation\_ (Name, title of DSU director) and \_\_\_\_N/A\_\_\_\_ (Name, title of separate State agency director, if applicable). *34 CFR 76.104(a)(5) and (6)*

### Section 2: SPIL Development

- 2.1 The plan shall be reviewed and revised not less than once every three years, to ensure the existence of appropriate planning, financial support and coordination, and other assistance to appropriately address, on a statewide and comprehensive basis, the needs in the State for:

- The provision of State independent living services;
  - The development and support of a statewide network of centers for independent living; and
  - Working relationships between programs providing independent living services and independent living centers, the vocational rehabilitation program established under title I, and other programs providing services for individuals with disabilities. *34 CFR 364.20(f)*
- 2.2 The DSU and SILC conduct public meetings to provide all segments of the public, including interested groups, organizations and individuals, an opportunity to comment on the State plan prior to its submission to the Commissioner and on any revisions to the approved State plan. *34 CFR 364.20(g)(1)*
- 2.3 The DSU and SILC establish and maintain a written description of procedures for conducting public meetings in accordance with the following requirements. The DSU and SILC shall provide:
- appropriate and sufficient notice of the public meetings (that is, at least 30 days prior to the public meeting through various media available to the general public, such as newspapers and public service announcements, and through specific contacts with appropriate constituency groups and organizations identified by the DSU and SILC);
  - reasonable accommodation to individuals with disabilities who rely on alternative modes of communication in the conduct of the public meetings, including providing sign language interpreters and audio-loops; and
  - public meeting notices, written material provided prior to or at the public meetings, and the approved State plan in accessible formats for individuals who rely on alternative modes of communication. *34 CFR 364.20(g)(2)*
- 2.4 At the public meetings to develop the State plan, the DSU and SILC identify those provisions in the SPIL that are State-imposed requirements beyond what would be required to comply with the regulations in 34 CFR parts 364, 365, 366, and 367. *34 CFR 364.20(h)*
- 2.5 The DSU will seek to incorporate into, and describe in, the State plan any new methods or approaches for the provision of IL services to older individuals who are blind that are developed under a project funded under chapter 2 of title VII of the Act and that the DSU determines to be effective. *34 CFR 364.28*
- 2.6 The DSU and SILC actively consult, as appropriate, in the development of the State plan with the director of the Client Assistance Program (CAP) authorized under section 112 of the Act. *34 CFR 364.20(e)*

### **Section 3: Independent Living Services**

- 3.1 The State, directly or through grants or contracts, will provide IL services with Federal, State, or other funds. *34 CFR 364.43(b)*
- 3.2 Independent living services shall be provided to individuals with significant disabilities in accordance with an independent living plan mutually agreed upon by an appropriate staff member of the service provider and the individual, unless the individual signs a waiver stating that such a plan is unnecessary. *34 CFR 364.43(c)*
- 3.3 All service providers will use formats that are accessible to notify individuals seeking or receiving IL services under chapter 1 of title VII about:
- the availability of the CAP authorized by section 112 of the Act;
  - the purposes of the services provided under the CAP; and
  - how to contact the CAP. *34 CFR 364.30*
- 3.4 Participating service providers meet all applicable State licensure or certification requirements. *34 CFR 365.31(c)*

### **Section 4: Eligibility**

- 4.1 Any individual with a significant disability, as defined in 34 CFR 364.4(b), is eligible for IL services under the SILS and CIL programs authorized under chapter 1 of title VII of the Act. Any individual may seek information about IL services under these programs and request referral to other services and programs for individuals with significant disabilities, as appropriate. The determination of an individual's eligibility for IL services under the SILS and CIL programs meets the requirements of 34 CFR 364.51. *34 CFR 364.40(a), (b) and (c)*
- 4.2 Service providers apply eligibility requirements without regard to age, color, creed, gender, national origin, race, religion or type of significant disability of the individual applying for IL services. *34 CFR 364.41(a)*
- 4.3 Service providers do not impose any State or local residence requirement that excludes any individual who is present in the State and who is otherwise eligible for IL services from receiving IL services. *34 CFR 364.41(b)*

### **Section 5: Staffing Requirements**

- 5.1 Service provider staff includes personnel who are specialists in the development and provision of IL services and in the development and support of centers. *34 CFR 364.23(a)*
- 5.2 To the maximum extent feasible, a service provider makes available personnel able to communicate:
- with individuals with significant disabilities who rely on alternative modes of communication, such as manual communication, nonverbal communication devices,

Braille or audio tapes, and who apply for or receive IL services under title VII of the Act; and

- in the native languages of individuals with significant disabilities whose English proficiency is limited and who apply for or receive IL services under title VII of the Act. *34 CFR 364.23(b)*

5.3 Service providers establish and maintain a program of staff development for all classes of positions involved in providing IL services and, if appropriate, in administering the CIL program. The staff development programs emphasize improving the skills of staff directly responsible for the provision of IL services, including knowledge of and practice in the IL philosophy. *34 CFR 364.24*

5.4 All recipients of financial assistance under parts B and C of chapter 1 of title VII of the Act will take affirmative action to employ and advance in employment qualified individuals with significant disabilities on the same terms and conditions required with respect to the employment of individuals with disabilities under section 503 of the Act. *34 CFR 364.31*

## **Section 6: Fiscal Control and Fund Accounting**

6.1 All recipients of financial assistance under parts B and C of chapter 1 of title VII of the Act will comply with applicable EDGAR fiscal and accounting requirements and will adopt those fiscal control and fund accounting procedures as may be necessary to ensure the proper disbursement of and accounting for those funds. *34 CFR 364.34*

## **Section 7: Recordkeeping, Access and Reporting**

7.1 In addition to complying with applicable EDGAR recordkeeping requirements, all recipients of financial assistance under parts B and C of chapter 1 of title VII of the Act will maintain records that fully disclose and document:

- the amount and disposition by the recipient of that financial assistance;
- The total cost of the project or undertaking in connection with which the financial assistance is given or used;
- the amount of that portion of the cost of the project or undertaking supplied by other sources;
- compliance with the requirements of chapter 1 of title VII of the Act and Part 364 of the regulations; and
- other information that the Commissioner determines to be appropriate to facilitate an effective audit. *34 CFR 364.35(a) and (b)*

7.2 With respect to the records that are required by 34 CFR 364.35, all recipients of financial assistance under parts B and C of chapter 1 of title VII of the Act will submit reports that the Commissioner determines to be appropriate. *34 CFR 364.36*

7.3 All recipients of financial assistance under parts B and C of chapter 1 of title VII of the Act will provide access to the Commissioner and the Comptroller General, or any of their duly

authorized representatives, to the records listed in 34 CFR 364.37 for the purpose of conducting audits, examinations, and compliance reviews. *34 CFR 364.37*

## **Section 8: Protection, Use, and Release of Personal Information**

8.1 Each service provider will adopt and implement policies and procedures to safeguard the confidentiality of all personal information, including photographs and lists of names in accordance with the requirements of 34 CFR 364.56(a)(1-6). *34 CFR 364.56(a)*

## **Section 9: Signatures**

After having carefully reviewed all of the assurances in sections 1 - 8 of this SPIL, the undersigned hereby affirm that the State of \_NORTH DAKOTA\_ is in compliance and will remain in compliance with the aforementioned assurances during \_2014 – 2016\_ (specify the three-year period covered by this SPIL).

The effective date of this SPIL is October 1, 2013 (year)

	<u>6/13/2013</u>
SIGNATURE OF SILC CHAIRPERSON	DATE

<u>Dennis Lyon</u>	
NAME OF SILC CHAIRPERSON	

	<u>6/13/2013</u>
SIGNATURE OF DSU DIRECTOR	DATE

<u>Russell Cusack – Director of Vocational Rehabilitation</u>	
NAME AND TITLE OF DSU DIRECTOR	

SIGNATURE OF DIRECTOR OF THE SEPARATE STATE AGENCY FOR INDIVIDUALS WHO ARE BLIND	DATE

<u>N/A</u>	
NAME AND TITLE OF THE DIRECTOR OF THE SEPARATE STATE AGENCY FOR INDIVIDUALS WHO ARE BLIND	

## **Part II: Narrative**

### **Section 1: Goals, Objectives and Activities**

#### **1.1 Goals and Mission – 34 CFR 364.42(b)(1)**

Describe the overall goals and mission of the State's IL programs and services. The SPIL must address the goals and mission of both the SILS and the CIL programs, including those of the State agency for individuals who are blind as they relate to the parts of the SPIL administered by that agency.

**The mission of the State Independent Living Services (SILs) Program is to guide the development of the Independent Living (IL) system in North Dakota through the active involvement of people with disabilities.**

The Statewide Independent Living Council with the Designated State Unit (DSU) and CIL representatives have established the following four overall goals under the plan for federal fiscal years 2014 – 2016 and has determined them to be consistent with its mission and Title VII, Chapter 1 of the Act.

Center for Independent Living (CIL) representatives are active participants in all SILC meetings. Two of the CILs hosted the public hearings for this SPIL and all CILs distributed public input flyers and SPIL needs assessments during the spring of 2013. In addition, CIL representatives have been consulted regarding the compatibility of the SPIL with their goals and missions and have assisted in the development and review of this entire SPIL.

#### **Goal I:**

**The Statewide Independent Living Council recruits and maintains an active, cross-disability, consumer-controlled membership.**

#### **Goal II:**

**The needs of individuals with disabilities are identified and met by current IL agencies.**

#### **Goal III:**

**North Dakota citizens are aware of the Independent Living philosophy and services available through IL agencies.**

#### **Goal IV:**

**The SILC, CILs and DSU will collaborate with other disability organizations.**

#### **1.2 Objectives – 34 CFR 364.42(a)(1) and (d); 34 CFR 364.32; 34 CFR 364.33**

**1.2A Specify the objectives to be achieved and the time frame for achieving them.**

**Goal I:**

**The Statewide Independent Living Council recruits and maintains an active, cross-disability, consumer-controlled membership.**

- A. The Governance Committee has strategies to fill positions with active members with diverse backgrounds on a quarterly basis.
  - 1. The Governance Committee communicates with the Governor's Office regarding membership as needed.
  - 2. The Governance Committee will recruit members.
- B. The SILC members are made knowledgeable about the roles and responsibilities of the SILC and its committees, IL philosophy, and IL services during their first term on the council.
  - 1. The SILC assigns a mentor to new SILC members
  - 2. Each new member will tour a CIL and meet with staff and consumers with the first year of their term.
  - 3. The Governance Committee trains new members on the roles and responsibilities of the SILC and its committees, IL philosophy, and IL services.
  - 4. Committee members and chairs are appointed by the SILC President.
  - 5. The Internal Affairs Committee will monitor the implementation of the SPIL goals and objectives.
  - 6. Each committee develops an annual work plan that is reviewed by the Council.
  - 7. The SILC members complete a training needs assessment to determine the training provided at quarterly meetings by the Governance Committee
  - 8. The SILC members complete a survey to determine their level of involvement in the Council and any changes they would like to see made.
  - 9. The SILC encourages the CILs attendance at training and workshops annually based on needs expressed in their regions

**Goal II:**

**The needs of individuals with disabilities are identified and met by current IL agencies.**

- A. SILC members and CILs obtain knowledge of the consumer needs regarding IL services in North Dakota on an ongoing basis.
  - 1. The CILs and SILC conduct continuing consumer needs assessments regarding Independent Living Services in North Dakota.
  - 2. The SILC, CILs, VR, and State Rehabilitation Council (SRC) hold forums to obtain consumer and interagency planning input at least every three years.
  - 3. The CILs identify the needs of unserved and underserved populations on an ongoing basis.

4. The CILs will expand services to unserved and underserved counties.
  5. The SILC will invite each 121 VR program to present on the independent living needs of the unserved and underserved residents living on the reservations.
  6. The CILs demographic data is evaluated annually and compared with other data maintained on people with disabilities throughout the state to determine unserved and underserved populations.
  7. The SILC and DSU review the results of CILs consumer satisfaction surveys annually.
- B. The CILs, in collaboration with other disability related agencies, identify services and distribute information to benefit consumers.
1. A SILC Member, CIL Director or designee will attend transportation, accessible housing and employment meetings, as identified in the needs assessment, to advocate for the needs of the disability community. A report will be provided to the SILC.
  2. The SILC & CILs will work in partnership with the Department of Transportation to coordinate accessible transportation statewide.
  3. The SILC and CILs maintain open communication with service providers and disability groups to identify services and disseminate information to benefit people with disabilities.
  4. The SILC will invite organizations that provide services to youth with disabilities to the SILC meetings to present on the unserved independent living needs of youth with disabilities.

### **Goal III:**

#### **North Dakota citizens are aware of the Independent Living philosophy and services available through IL agencies.**

- A. The SILC, DSU, and CILs collaborate to increase public awareness regarding independent living on an ongoing basis.
1. The public will be provided with education materials, such as brochures and fact sheets, which include information on the philosophy and services of independent living.
  2. Each CIL and DVR will provide a link to the SILC on their website.
  3. The SILC, in collaboration with the DSU, will design a webpage and actively manage and update the information and links to other disability agencies.
    - a. The SILC will evaluate the effectiveness of the webpage by the number of individuals visiting the site and the pages most frequently visited.
  4. The SILC will develop materials to communicate the mission of the State Independent Living Services (SILs) Program and increase the awareness of independent living services.
  5. CILs will participate in public radio & television broadcasts and publish newspaper articles to provide IL awareness.

6. The CILs and SILC will submit to the DSU any press releases that will be published in local and statewide newspapers informing the public of SILC members appointments to the Council and IL achievements and information.

**Goal IV:**

**The SILC, DSU and CILs will collaborate with other disability organizations.**

A. The SILC, State Rehabilitation Council (SRC), Centers for Independent Living, the Designated State Unit (DSU), and other disability-related organizations maintain open communication on an ongoing basis.

1. The SRC and SILC share information.
  - a. The SILC will recommend a representative to serve on the SRC.
2. CILs and Regional VR Offices are made aware of the services provided by each entity on an annual basis.
  - a. CILs and VR staff maintain communication and collaboration.
3. SILC invites organizations such as the Veterans Administration and other veteran organizations mental health agencies, transition agencies, age 0 – 5 agencies and other disability-related organizations to each quarterly meeting.

B. The SILC/CIL members are available to provide information to elected officials and policy makers concerning IL issues and philosophy.

1. The External Affairs Committee, CILs and the DSU track bills that are pertinent to IL and provide a report to the council during legislative sessions. This information will be used to inform consumers on statewide IL issues.

C. Begin a conversation with people with disabilities and organizations who serve people with disabilities to determine the needs of people with disabilities. Organizations who serve minority disability groups will be encouraged to collaborate on the local level.

1.2B Describe the steps planned regarding outreach to populations in the State that are unserved or underserved by programs under title VII, including minority groups and urban and rural populations. This section of the SPIL must:

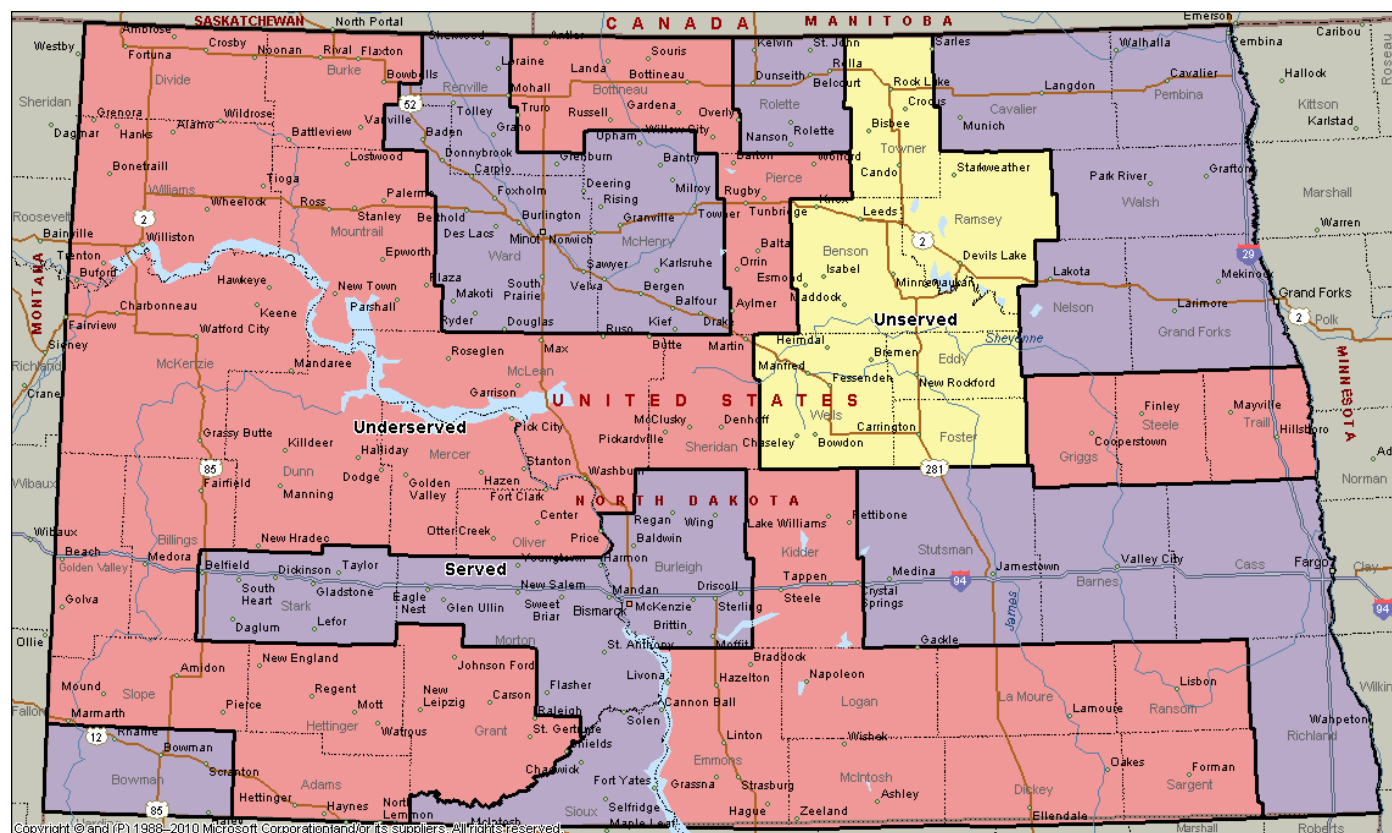
- Identify the populations to be designated for targeted outreach efforts;
- Identify the geographic areas (i.e., communities) in which the targeted populations reside; and
- Describe how the needs of individuals with significant disabilities from minority group backgrounds will be addressed.

The disability groups which have been targeted to receive services during the next three year SPIL period are those veterans needing IL services who are just returning from their duties to serve our country and those who have been living in the state for several years after serving in the military. Students with disabilities who are transitioning from

secondary to post-secondary education will be targeted to receive the IL services necessary to make that transition a success. Since mental health services are very limited in the rural areas, CILs will target these areas to provide this greatly needed service to the mental health population. Children ages 0 – 5 years old with disabilities have received minimal IL services in the past. The CILs will work with organizations who target this disability group to provide the services needed.

All counties statewide will be targeted for outreach efforts.

The first quarterly meeting of the 2014-2016 SPIL will be held on one of the Native American Reservations where tribal leaders, tribal council members and tribal service providers will be invited. Discussions will be held with the SILC, CIL Directors, DSU and tribal leaders to identify the needs of people with disabilities on the Indian Reservations. These needs will be targeted for IL service delivery in the 2014-2016 SPIL. Subsequent SILC meetings will use the same approach to meet the needs of all the targeted populations.



### 1.3 Financial Plan – 34 CFR 364.42(a)(2) and (3); 34 CFR 364.29

Describe in sections 1.3A and 1.3B, below, the financial plan for the use of Federal and non-Federal funds to meet the SPIL objectives.

### 1.3A Financial Plan Tables

Complete the financial plan tables covering years 1, 2 and 3 of this SPIL. For each funding source, provide estimated dollar amounts anticipated for the applicable uses. The financial plan table should include only those funding sources and amounts that are intended to support one or more of the objectives identified in section 1.2 of the SPIL. To the extent possible, the tables and narratives must reflect the applicable financial information from centers for independent living. Refer to the SPIL Instructions for additional information about completing the financial tables and narratives.

- Insert additional rows for the specific funding sources and amounts expected within the categories of Other Federal Funds and Non-Federal Funds.

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#### Year 1 - Approximate Funding Amounts and Uses

Sources	SILC Resource Plan	IL Services	General CIL Operations	Other SPIL Activities
Title VII Funds - Chapter 1, Part B		\$295,459		
Title VII Funds - Chapter 1, Part C			\$812,592	
Title VII Funds - Chapter 2, OIB (only those provided by the OIB grantee to further a SPIL objective)				
Other Federal Funds - Sec. 101(a)(18) of the Act (Innovation and Expansion)	\$27,446			\$796
Other Federal Funds - Other		\$16,310 – (Seq cuts)		
Non-Federal Funds -State Funds			\$874,494	
Non-Federal Funds - Other				

## Year 2 - Approximate Funding Amounts and Uses

Sources	SILC Resource Plan	IL Services	General CIL Operations	Other SPIL Activities
Title VII Funds - Chapter 1, Part B		\$295,459		
Title VII Funds - Chapter 1, Part C			\$812,592	
Title VII Funds - Chapter 2, OIB (only those provided by the OIB grantee to further a SPIL objective)				
Other Federal Funds - Sec. 101(a)(18) of the Act (Innovation and Expansion)	\$27,446			\$796
Other Federal Funds - Other		\$16,310 – (Seq. cuts)		
Non-Federal Funds -State Funds			\$874,494	
Non-Federal Funds - Other				

## Year 3 - Approximate Funding Amounts and Uses

Sources	SILC Resource Plan	IL Services	General CIL Operations	Other SPIL Activities
Title VII Funds - Chapter 1, Part B		\$295,459		
Title VII Funds - Chapter 1, Part C			\$812,592	

<b>Sources</b>	<b>SILC Resource Plan</b>	<b>IL Services</b>	<b>General CIL Operations</b>	<b>Other SPIL Activities</b>
Title VII Funds - Chapter 2, OIB (only those provided by the OIB grantee to further a SPIL objective)				
Other Federal Funds - Sec. 101(a)(18) of the Act (Innovation and Expansion)	\$27,446			\$796
Other Federal Funds - Other		\$16,310 – (Seq. cuts)		
Non-Federal Funds -State Funds			\$874,494	
Non-Federal Funds - Other				

### 1.3B Financial Plan Narratives

1.3B(1) Specify how the part B, part C and chapter 2 (Older Blind) funds, if applicable, will further the SPIL objectives.

All Federal and State funds are coordinated for Center for Independent Living services.

1.3B(2) Describe efforts to coordinate Federal and State funding for centers and IL services, including the amounts, sources and purposes of the funding to be coordinated.

In addition to the Independent Living Program Administrator/SILC Liaison who works with the SILC and the CILs, the DSU continues to provide support to the President of the SILC and committee chairs as requested. This service allows the President and SILC committees to conduct business with minimal problems.

Additional administrative support services include:

- Coordinates arrangements for SILC and committee meeting sites
- Notifies members of dates and time of meetings
- Processes all travel and honorarium reimbursement requests
- Records, transcribes, and distributes meeting minutes
- Provides clerical support to SILC committees as requested
- Assists in the preparation of the 704 report and the Title VII State Plan
- Orders supplies for the SILC, when needed

1.3B(3) Describe any in-kind resources including plant, equipment or services to be provided in support of the SILC resource plan, IL services, general CIL operations and/or other SPIL objectives.

As noted on the table above, all Part B funds are utilized for the provision of Center for Independent Living services. All Part C and state funds are utilized to fund the general operations of the CILs.

1.3B(4) Provide any additional information about the financial plan, as appropriate.

N/A

1.4 Compatibility with Chapter 1 of Title VII and the CIL Work Plans – 34 CFR 364.42(c) and (e)

1.4A Describe how the SPIL objectives are consistent with and further the purpose of chapter 1 of title VII of the Act as stated in section 701 of the Act and 34 CFR 364.2.

The SPIL goals and objectives were developed to further the purpose of Chapter 1 Title VII of the Act, while at the same time, meeting the needs in North Dakota. As demonstrated in Section 1.2 of this SPIL, the goals and objectives reflect Section 701 of the Act in that they:

Promote a philosophy of independent living, including a philosophy of consumer control, peer support, self-determination, equal access, and individual, self-help, self-determination, equal leadership, empowerment, independence, and productivity of individuals with significant disabilities, and the integration and full inclusion of such individuals into the mainstream of American society.

Provide financial assistance for providing, expanding, or improving the provision of IL services.

Provide assistance to develop and support a statewide network of Centers for Independent Living (CILs) operated by consumer-controlled, community-based cross-disability, non-residential private non-private agencies that are operated within local communities by individuals with disabilities and that provide an array of IL services.

Provide strategies to improve working relationships among the various entities affecting the lives of people with significant disabilities.

1.4B Describe how, in developing the SPIL objectives, the DSU and the SILC considered and incorporated, where appropriate, the priorities and objectives established by centers for independent living under section 725(c)(4) of the Act.

The CILs are actively involved throughout the year in all aspects of the SILC meetings and activities. North Dakota Century Code also requires 2 CIL directors be SILC members, which goes beyond the federal statute which requires one CIL director. In addition, all 4 Directors, or their representatives, attend the quarterly SILC meetings. Center for Independent Living staff and Directors who are not members of the SILC are also active on various committees of the SILC.

Both the SILC and DSU have actively supported the CILs for several years, and have agreed that all Title VII Part B funds, and additional state funds not needed for the operation of the SILC, be distributed to the CILs.

Center for Independent Living Directors and/or staff were involved in the development of this SPIL and have been consulted to ensure that the objectives reflect their priorities and objectives to the extent possible. In addition, because the CILs receive the majority of the funds distributed through this SPIL, the SILC and DSU rely on the CILs to carry out many of the SPIL objectives. Consequently, the SILC and the DSU makes every effort to ensure that the SPIL objectives are consistent with and support the CILs individual objectives.

#### 1.5 Cooperation, Coordination, and Working Relationships Among Various Entities – 34 CFR 364.26

Describe the steps that will be taken to maximize the cooperation, coordination and working relationships among the SILS program, the SILC, and centers; the DSU, other State agencies represented on the SILC and other councils that address the needs of specific disability populations and issues; and other public and private entities determined to be appropriate by the SILC.

- The description must identify the entities with which the DSU and the SILC will cooperate and coordinate.

The SILC, CILs and the DSU have developed several objectives in this SPIL that foster cooperation, coordination and working relationships among many entities including the CILs, the DSU, the SRC and others.

Accomplishment of the objectives and corresponding action steps will be assigned to SILC committees or the CILs, where appropriate, with reports on progress provided by committee chairs at the SILC meetings. Examples of cooperation and collaboration include continuing to hold a joint meeting with the State Rehabilitation Council at least once every two years to provide training to its members which benefits both councils. We also extend invitations to various disability-related agencies to attend the SILC meetings.

The SILC, DSU and CILs will work to create a stronger working relationship between disability related organizations. Primary entities with whom the SILC, DSU and CILs will cooperate and coordinate include, but are not limited to, the following:

*North Dakota Center for Persons with Disabilities*  
*North Dakota Department of Human Services – Aging Programs*  
*North Dakota Department of Public Instruction*  
*Medical Services/Money Follows the Person Grant*  
*State Rehabilitation Council (SRC)*  
*Veterans Organizations*  
*Protection and Advocacy*  
*Vocational Rehabilitation*  
*Mental Health Association*  
*Client Assistance Program*  
*American Indian Groups*

#### 1.6 Coordination of Services – 34 CFR 364.27

Describe how IL services funded under chapter 1 of title VII of the Act will be coordinated with and complement other services to avoid unnecessary duplication with other Federal, State, and local programs, including the OIB program authorized by chapter 2 of title VII of the Act, that provide IL- or VR-related services.

All Chapter 1, Title VII, Part B funds are used for contracts with the four Centers for Independent Living operating in North Dakota. These four CILs are also the exclusive recipients of Title VII, Part C funds in the state.

Both the SILC and the CILs remain committed to coordination, collaboration and avoidance of all unnecessary duplication of services. All recognize that resources are too scarce to do otherwise. In addition, many of the objectives in section 1.2 of this SPIL are designed to foster communication and collaboration with each of the following: special education, vocational education, developmental disabilities services, public health, mental health, housing, transportation, veterans' services, and programs under XVIII – XX of the Social Security Act. The SILC is made up of various ex officio members who also are employees of various State Departments within North Dakota. Additionally, CIL Staff are members of various State and local task forces, committees, governing boards and consortiums that are a benefit to people with disabilities within the State.

#### 1.7 Independent Living Services for Individuals who are Older Blind – 34 CFR 364.28

Describe how the DSU seeks to incorporate into, and describe in, the State plan any new methods or approaches for the provision of IL services to older individuals who are blind that are developed under the Older Individuals who are Blind program and that the DSU determines to be effective.

Funds received in North Dakota for services to Older Individuals who are Blind are allocated for Vision Rehabilitation Specialists (VRs) located in the DSU's regional offices and for Older Blind (OB) consumer purchases. The Designated State Unit's IL liaison is also the program administrator of the Older Blind Program. At the time this SPIL is being developed, there are no new methods or approaches to incorporate into the SPIL.

## Section 2: Scope, Extent, and Arrangements of Services

### 2.1 Scope and Extent – 34 CFR 364.42(b)(2)(3); 34 CFR 364.43(b); 34 CFR 364.59(b)

2.1A Check the appropriate boxes in the SPIL Instrument table indicating the types of IL services to be provided to meet the objectives identified in section 1.2 of this SPIL, and whether the services will be provided by the CILs or by the DSU (directly and/or through contract or grant).

Table 2.1A: Independent living services

<b>Table 2.1A: Independent living services</b>	<b>Provided by the DSU (directly)</b>	<b>Provided by the DSU (through contract and/or grant)</b>	<b>Provided by the CILs (Not through DSU contracts/ grants)</b>
Core IL Services - Information and referral		X	X
Core IL Services - IL skills training		X	X
Core IL Services - Peer counseling		X	X
Core IL Services - Individual and systems advocacy		X	X
Counseling services, including psychological, psychotherapeutic, and related services			
Services related to securing housing or shelter, including services related to community group living, and supportive of the purposes of this Act and of the titles of this Act, and adaptive housing services (including appropriate accommodations to and modifications of any space used to serve, or occupied by, individuals with significant disabilities)			X
Rehabilitation technology			
Mobility training	X		
Services and training for individuals with cognitive and sensory disabilities, including life skills training, and interpreter and reader services			X

		<b>Provided by the DSU (through contract and/or grant)</b>	<b>Provided by the CILs (Not through DSU contracts/ grants)</b>
<b>Table 2.1A: Independent living services</b>	<b>Provided by the DSU (directly)</b>		
Personal assistance services, including attendant care and the training of personnel providing such services			
Surveys, directories and other activities to identify appropriate housing, recreation, accessible transportation and other support services			X
Consumer information programs on rehabilitation and IL services available under this Act, especially for minorities and other individuals with disabilities who have traditionally been unserved or underserved by programs under this Act			X
Education and training necessary for living in the community and participating in community activities			X
Supported living			
Transportation, including referral and assistance for such transportation			
Physical rehabilitation			
Therapeutic treatment			
Provision of needed prostheses and other appliances and devices			
Individual and group social and recreational services			X
Training to develop skills specifically designed for youths who are individuals with significant disabilities to promote self-awareness and esteem, develop advocacy and self-empowerment skills, and explore career options			X
Services for children with significant disabilities			
Services under other Federal, State, or local programs designed to provide resources, training, counseling, or other assistance of substantial benefit in enhancing the independence, productivity, and quality of life of individuals with significant disabilities			X
Appropriate preventive services to decrease the need of individuals with significant disabilities for similar services in the future			X
Community awareness programs to enhance the understanding and integration into society of individuals with disabilities			X

		<b>Provided by the DSU (through contract and/or grant)</b>	<b>Provided by the CILs (Not through DSU contracts/ grants)</b>
<b>Table 2.1A: Independent living services</b>	<b>Provided by the DSU (directly)</b>		
Other necessary services not inconsistent with the Act			

2.1B Describe any service provision priorities, including types of services or populations, established for meeting the SPIL objectives identified in section 1.2.

The SPIL's 4 goals represent the overall priorities of maintaining an active, cross-disability, consumer-controlled SILC to accomplish SPIL objectives; identifying people with disabilities who are unserved or underserved so as to provide to them the independent living services that they need; increase public awareness and understanding of IL philosophy and services; and work collaboratively with other disability related organizations.

Within that framework, the SPIL highlights five areas as it relates to service provision priorities including emphasizing services for veterans, transition students, people with mental health needs, children ages 0 – 5 years of age and minorities living on the Indian Reservations. ~~persons living in institutional settings, students utilizing transition services as well as the expansion of services to unserved areas of the State.~~ In addition, the CILs received the results of the SILC's statewide needs assessment that identified ongoing needs related to funding, transportation, affordable/accessible housing, health services, and obtaining employment.

Centers are required to annually review the SPIL to coordinate their efforts by including priorities with their Annual Work Plans. The CILs Annual Work Plans are reviewed on an annual basis by the SILC to insure they are consistent and that adequate progress is being made related to these statewide efforts.

2.1C If the State allows service providers to charge consumers for the cost of services or to consider the ability of individual consumers to pay for the cost of IL services, specify the types of IL services for which costs may be charged and for which a financial need test may be applied, and describe how the State will ensure that:

- Any consideration of financial need is applied uniformly so that all individuals who are eligible for IL services are treated equally; and
- Written policies and consumer documentation required by 34 CFR 364.59(d) will be kept by the service provider.

Indicate N/A if not applicable.

N/A

## 2.2 Arrangements for State-Provided Services – 34 CFR 364.43(d) and (e)

2.2A If the DSU will provide any of the IL services identified in section 2.1A through grants or contractual arrangements with third parties, describe such arrangements.

All Chapter 1, Title VII, Part B funds are used exclusively for contracts with the four Centers for Independent Living operating in North Dakota. These four CILs are also the exclusive recipients of Title VII, Part C funds in the state.

The DSU contracts/grant agreements with the CILs include references to meeting the requirements of 34 CFR 364 & 366, which include staffing described in 4.1A.

Certified Orientation and Mobility Instructors, employed through the DSU's Older Blind Program, Title VII, Chapter 2, or North Dakota Vision Services/School for the Blind, provide orientation and mobility training.

2.2B If the State contracts with or awards a grant to a center for the general operation of the center, describe how the State will ensure that the determination of an individual's eligibility for services from that center shall be delegated to the center.

In line with North Dakota's design for the Network of Centers, only the four recognized Centers for Independent Living receiving Title VII, Part C awards are eligible recipients of Part B funds. As such, they must meet federal standards and assurances for CILS and are responsible for all aspects of IL services including determining eligibility. Additionally, each Centers 704 Report is reviewed to further insure compliance with the Standards and Assurances

## **Section 3: Design for the Statewide Network of Centers**

### 3.1 Existing Network – 34 CFR 364.25

Provide an overview of the existing network of centers, including non-Part C-funded centers that comply with the standards and assurances in section 725 (b) and (c) of the Act, and the geographic areas and populations currently served by the centers.

During the early years of the State Independent Living Council, the SILC and the DSU chose to divide the State into four quadrants. This was determined most advantageous based on the location of the four major cities within the State, those being Bismarck, Fargo, Minot and Grand Forks. At the time, each of the four major population hubs were seen as an anchor for its operations with expansion plans serving the rest of the individual quadrant developed from each centers' base. For three of the Centers, this built on what they had accomplished through to that date and for the Northwest Quadrant it set the stage for later when funding becomes available. Since that time, the last center was initiated serving the northwest quadrant.

Part of the rational for this methodology was to reduce the duplicate administrative effort needed for each additional center if more were to be initiated as well as to give each

center a large enough population base from which to thrive. For the most part this logic has held true, however, of late, with increased populations coming to the State due to the oil boom, the SILC and the DSU will need to further analyze the demographical impact this boom may have. As of the last census data, the population numbers within each quadrant, in rank order, are Freedom, Dakota, Options followed by Independence. Each of the four quadrants is served through various funding mechanisms, including Federal Part C, Federal Part B and State appropriations. Dakota, Freedom and Independence are able to serve their entire service area with any of the aforementioned funding streams while Options serves eight of its federally recognized Part C counties through any combination of these funds and the remaining six with only Part B and State funds.

The State of North Dakota is not as diverse as other states with the predominant minority group being Native Americans. Each of the four centers have within its territory from one to three reservations made up of five prominent tribes, which include the Mandan, Arikara, Hidatsa, Sioux, and Anishinabe. The SILC monitors the delivery of services to all groups to insure that all are represented, while insuring that all 121 Programs know of the services available and the importance of their involvement and input into the network of centers and delivery of independent living services.

### 3.2 Expansion of Network – 34 CFR 364.25

Describe the design for the further expansion of the network, including identification of the unserved and underserved areas in the State and the order of priority for serving these areas as additional funding becomes available (beyond the required cost-of-living increase).

The SILC is committed to supporting the CILs in their growth without demanding they establish branch offices before the financial resources are available to maintain their main offices effectively. The SILC, the DSU and the CILs jointly established a base funding level of \$650,000 per year per CIL.

1. Our plan does not include a priority for establishing new CILs. We believe that we can offer the necessary IL services to citizens with disabilities using the four main CILs and their identified branch offices as funding allows.
2. The CILs were awarded \$800,000 from the 2013 Legislative session for the upcoming biennium to expand services to citizens with disabilities within North Dakota. The distribution of funding will follow the same logic design as past increases where the lowest funded Center will receive step increases with the end goal being all Centers within the State being at par or as close to par as possible. Where funding increases are greater than \$50,000.00 a year, each Center will consider opening an additional outreach office if financially feasible.
3. The SILC uses the SPIL as a basis for establishing priorities. It identifies needs based on consumer satisfaction as well as on information gathered at open forum meetings. Census data is consulted as well as information shared by VR and other agencies that work with people with disabilities statewide.

In North Dakota, should a Center for Independent Living close, it is the utmost priority to maintain services to the people residing within the designated territory of the Center no longer providing services. In the event of a Center's insolvency, noncompliance to the Standards and Assurances, a Board of Directors changing the mission of a center to such a degree that it no longer falls within the parameters of the Regulations defining Title VII, or any other reason resulting in a Center not providing independent living services, the following procedures to maintain statewide coverage will be implemented. Rehabilitation Services Administration will be informed of the Center's circumstances affecting the change of eligibility for further funding and the State Plan for Independent Living's proposal to implement a Continuance of Coverage Plan. The first priority would be to establish a new Center with existing fund sources. Discussions would need to be held to determine what regulations are applicable to the remaining Part C funds and the future Part C funds that would be allocated to serve the designated territory served by the Center in question. A sub-committee made up of representatives of the DSU, SILC and at least one Center Director would be set up to identify the reason for the loss of a Center, whether mismanagement, loss of stable funding, change of mission, or other circumstance that may have a bearing on whether the Center can go through re-organization or a new center has to be started. This would be accomplished through face to face meetings with any remaining board members or staff. Equipment and supplies lists would be itemized to compare to inventory lists, purchase orders and possible loans against the Center. Articles purchased with Federal and/or State funds would be delineated in order to insure their availability for the future Center. A timeline and plan would be developed to insure that the quadrant in question would maintain service coverage utilizing State, Part B and/or Part C funds. A mechanism would be developed whereby the closest existing Center would provide services, utilizing the remaining Part B and State funds until a new Center is able to deliver services. If no Center is able to assist with service provision, the availability of Part B funds would be advertised for the delivery of SILs services to the area in question.

### 3.3 Section 723 States Only – 34 CFR 364.39

3.3A If the State follows an order of priorities for allocating funds among centers within a State that is different from what is outlined in 34 CFR 366.22, describe the alternate order of priority that the DSU director and the SILC chair have agreed upon. Indicate N/A if not applicable.

N/A

3.3B Describe how the State policies, practices and procedures governing the awarding of grants to centers and the oversight of these centers are consistent with 34 CFR 366.37 and 366.38.

N/A

## **Section 4: Designated State Unit (DSU)**

### 4.1 Administrative Support Services – 34 CFR 364.4; 34 CFR 364.22(b)

4.1A Describe the administrative support services to be provided by the DSU for the SILS (Part B) program and, if the State is a Section 723 State, for the CIL (Part C) program.

- Refer to the SPIL Instructions for additional information about administrative support services.

All Part B funds and the corresponding state match are used for contracts with the four Part C CILs providing services in the state.

In addition to the Independent Living Program Administrator/SILC liaison, who works with the SILC and the CILs, the DSU continues to provide administrative support to the SILC. This person works directly with the President of the SILC and committee chairs as requested. This service allows the President and SILC committees to conduct business with minimal problems.

Additional administrative support services include:

- Coordinates arrangements for SILC and committee meeting sites
- Notifies members of dates and times of meetings
- Processes all travel and honorarium reimbursement requests
- Records, transcribes, and distributes meeting minutes
- Provides clerical support to SILC committees as requested
- Assists in the preparation of the 704 report and the Title VII State Plan
- Orders supplies for the SILC as needed
- Assistance from the fiscal liaison in planning the SILC and SPIL budgets
- Provides quarterly fiscal updates on spending activity for the past quarter

4.1B Describe other DSU arrangements for the administration of the IL program, if any.

N/A

## **Section 5: Statewide Independent Living Council (SILC)**

### **5.1 Resource plan – 34 CFR 364.21(i)**

5.1A Describe the resource plan prepared by the SILC in conjunction with the DSU for the provision of resources, including staff and personnel, made available under parts B and C of chapter 1 of title VII, section 101(a)(18) of the Act, and from other public and private sources that may be necessary to carry out the functions of the SILC identified in section 705(c). The description must address the three years of this SPIL.

- Refer to the SPIL Instructions for more information about completing this section.

North Dakota receives Title VII, Part B and state general funds for Center for Independent Living services. The state's general funds are in excess of what is required for the state match.

The Statewide Independent Living Council (SILC), in coordination with the DSU, determines how funds for independent living (IL) are used, in accord with the goals and objectives of the State Plan for Independent Living (SPIL). Resource Plan categories include the following:

**1. Council Operations**

- ☐ Honorariums for members who are employed and must forfeit wages in order to attend meetings or otherwise perform Council duties.
- ☐ Per Diem reimbursement at current state rate for lodging and travel while performing Council duties.
- ☐ Expenses for disability related accommodations for Council members while attending to Council duties.
- ☐ Meeting room rental and other costs associated with holding meetings.
- ☐ Alternative formats.

**2. State Plan for Independent Living Development**

- ☐ Forums to obtain input for SPIL.
- ☐ Development of the State Plan for Independent Living.

**3. Funding**

- ☐ Related expenses for budget priority meetings with the designated state unit and related government entities.

The projected Resource Plan is below. Adjustments may be made by the Council as necessary during the three years this State Plan is in effect based on estimated revenue pending legislative action.

## RESOURCE PLAN

	FFY 2013	FFY 2014	FFY 2015
<b>COUNCIL OPERATIONS</b>	\$23,242	\$23,242	\$18,242
<b>SPIL DEVELOPMENT</b>	-	-	\$500

<b>DUES</b>	\$500	\$500	\$500
<b>TOTAL</b>	<b>\$28,242</b>	<b>\$28,242</b>	<b>\$28,242</b>

5.1B Describe how the following SILC resource plan requirements will be addressed:

- The SILC’s responsibility for the proper expenditure of funds and use of resources that it receives under the resource plan.
- Non-inclusion of conditions or requirements in the SILC resource plan that may compromise the independence of the SILC.
- Reliance, to the maximum extent possible, on the use of resources in existence during the period of implementation of the State plan.

All expenditures related to council operations and SPIL developments are sent through the DSU for payment. Expenditures relating to dues and Independent Living education and training are voted on by SILC. The Internal Affairs Committee also provides an expense report at each Statewide Independent Living Council meeting.

Other than review by the DSU to ensure EDGAR and other regulatory requirements are met, there are no conditions or requirements placed on SILC’s expenditure of funds.

The SILC monitors the budget on a regular basis and the Internal Affairs Committee provides an expense report at the quarterly meetings. The SILC approves all expenditures and uses these funds during the timeframe of the SPIL.

## 5.2 Establishment and Placement – 34 CFR 364.21(a)

Describe how the establishment and placement of the SILC ensures its independence with respect to the DSU and all other State agencies.

- Refer to the SPIL Instructions for more information about completing this section.

The SILC was established through Public Law 102-569 Title VII and North Dakota Century Code (NDCC) 50-06.5 and is part of the State government structure as one of the Boards and Commissions appointed by the Governor. Therefore, the SILC is placed within the State’s organizational structure in the Governor’s Office.

## 5.3 Appointment and Composition – 34 CFR 364.21(b) – (f)

Describe the process used by the State to appoint members to the SILC who meet the composition requirements in section 705(b).

- Refer to the SPIL Instructions for more information about completing this section.

The Governor makes all appointments to the SILC.

The Governor's Office relies on the SILC's Governance Committee to give them the composition and qualification requirements for each potential candidate for membership that is submitted at that time. The Council also provides to the Governor's Office a list of qualified candidates for each position. The Governor can then select from that list or select a qualified candidate of his choosing that is not on the list that is provided by the SILC.

Term limits are maintained and updated as needed by the Governance Committee. Statewide Independent Living Council vacancies are filled through contacts given by SILC members, CIL directors, VR Directors/counselors statewide, and the Governor's Office.

The officers, including the Chair, are selected by submitting a list of interested members and then voted on by SILC.

#### 5.4 Staffing – 34 CFR 364.21(j)

Describe how the following SILC staffing requirements will be met:

- SILC supervision and evaluation, consistent with State law, of its staff and other personnel as may be necessary to carry out its functions.
- Non-assignment of duties to SILC staff and other personnel made available by the DSU, or any other State agency or office, that would create a conflict of interest while assisting the SILC in carrying out its duties.

The SILC has no paid staff. All work relating to the council is done by council members, CILs, and the DSU. To address conflict of interest issues, *SILC Operational Guidelines* state the following: "Council members with any potential or actual conflict of interest must abstain from voting and participating in other processes that relate to the funding issues in question. Such notice shall be recorded in the minutes of the meeting. In cases of question, the member, the committee chairperson, or the Council Chairperson shall request that the Council make the determination as to whether or not the member is in conflict of interest. Until a determination is made, the member must act as if the conflict of interest exists."

The DSU IL Program Administrator/SILC Liaison provides technical assistance and administrative support as requested by the SILC and as necessary to comply with Title VII, Chapter 1, Part B requirements. When carrying out those duties, no other duties are assigned that would create a conflict of interest.

## Section 6: Service Provider Requirements

Describe how the following service provider requirements will be met:

### 6.1 Staffing – 34 CFR 364.23; 34 CFR 364.24; 34 CFR 364.31

- Inclusion of personnel who are specialists in the development and provision of IL services and in the development and support of centers.
- Availability, to the maximum extent feasible, of personnel able to communicate (1) with individuals with significant disabilities who rely on alternative modes of communication, such as manual communication, nonverbal communication devices, Braille, or audio tapes and (2) in the native languages of individuals with significant disabilities whose English proficiency is limited and who apply for or receive IL services under title VII of the Act.
- Establishment and maintenance of a program of staff development for all classes of positions involved in providing IL services and, where appropriate, in administering the CIL program, improving the skills of staff directly responsible for the provision of IL services, including knowledge of and practice in the IL philosophy.
- Affirmative action to employ and advance in employment qualified individuals with significant disabilities on the same terms and conditions required with respect to the employment of individuals with disabilities under section 503 of the Act.

The DSU contracts/grant agreements with the CILs include references to meeting the requirements of 34 CFR 364 & 366, which includes staffing described above.

All Centers in North Dakota employ staff who are specialists in the development and provision of IL services.

All Centers in North Dakota employ staff who are specialists in providing IL services, and who are able to communicate with a wide variety of individuals including those who may rely on alternative modes of communication.

All of North Dakota's Centers have staff development plans in place, which offer a wide variety of classes, trainings and continuing education opportunities for both Board and Staff development.

All of North Dakota's Centers take affirmative action to employ, and advance in employment, qualified individuals with significant disabilities. Over fifty percent of the Center's staff and board are people with various types of disabilities.

The DSU and SILC will participate as active members of the on-site review committees as carried out by the Rehabilitations Services Administration during each of the reviews of the four CILs located within the State and insure that appropriate policies and procedures are fulfilled to insure compliance with the aforementioned. During interim periods each CIL and the SILC's 704 reports will be evaluated to insure compliance.

### 6.2 Fiscal Control and Fund Accounting – 34 CFR 364.34

- Adoption of those fiscal control and fund accounting procedures as may be necessary to ensure the proper disbursement of and accounting for funds made available through parts B and C of chapter 1 of title VII of the Act, in addition to complying with applicable EDGAR fiscal and accounting requirements.

The DSU contract with the CILs contains the requirement to comply with all applicable fiscal requirements including EDGAR.

**Fiscal Control:**

North Dakota Vocational Rehabilitation uses an accounting system maintained by the Department of Human Services.

**Fund Accounting:**

North Dakota Vocational Rehabilitation uses a modified accrual basis of accounting, consistent with other agencies of the state of North Dakota. Modified accrual accounting is used to show the flow of financial assets of the funds and balances available for spending at year-end.

Each of North Dakota CILs follow its established fiscal policies and allocation plan as approved by the Department of Education and will be responsible for monitoring and maintaining records of their expenditures to assure compliance with EDGAR fiscal and accounting requirements.

6.3 Recordkeeping, Access and Reporting – 34 CFR 364.35; 34 CFR 364.36; 34 CFR 364.37

- Maintenance of records that fully disclose and document the information listed in 34 CFR 364.35.
- Submission of annual performance and financial reports, and any other reports that the Secretary determines to be appropriate
- Access to the Commissioner and the Comptroller General, or any of their duly authorized representatives, for the purpose of conducting audits, examinations, and compliance reviews, to the information listed in 34 CFR 364.37.

**Record-Keeping:**

NDVR maintains supporting documentation of accounting transactions on-site for the current and one prior fiscal year. North Dakota Vocational Rehabilitation maintains supporting documentation, as required by state and federal regulation, for at least three (3) years after the final financial status report is filed for each fiscal year.

**Access:**

North Dakota Vocational Rehabilitation accounting records are available for review, either at the North Dakota Vocational Rehabilitation Central Office in Bismarck or the Department of Human Services Fiscal Office at the State Capitol.

## Reporting:

The DSU is included in the State Auditors annual audit of the North Dakota Department of Human Services.

Each grant agreement includes the duties individual contractors (CILs) must fulfill as it relates to financial and programmatic records, including retention of records, access to records, and types. On a periodic basis the Department of Human Services randomly audits records of a specific time period to insure that generally accepted accounting principles are practiced and that the requests for reimbursements properly reflect the business transactions of the organization. The DSU and SILC will participate as active members of the on-site review committees as carried out by the Rehabilitation Services Administration during each of the reviews of the four CILs located within the State and ensure that appropriate policies and procedures are fulfilled to ensure compliance with the aforementioned.

The North Dakota SILC, if funds are available, will provide technical assistance to centers upon request.

### 6.4 Eligibility – 34 CFR 364.40; 34 CFR 364.41

- Eligibility of any individual with a significant disability, as defined in 34 CFR 364.4(b), for IL services under the SILS and CIL programs.
- Ability of any individual to seek information about IL services under these programs and to request referral to other services and programs for individuals with significant disabilities.
- Determination of an individual's eligibility for IL services under the SILS and CIL programs in a manner that meets the requirements of 34 CFR 364.51.
- Application of eligibility requirements without regard to age, color, creed, gender, national origin, race, religion, or type of significant disability of the individual applying for IL services.
- Non-exclusion from receiving IL services of any individual who is present in the State and who is otherwise eligible for IL services, based on the imposition of any State or local residence requirement.

The DSU contracts/grant agreements include references to meeting the requirements of 34 CFR 364 & 366, which includes eligibility.

Any person with a significant disability is eligible for consideration for Independent Living Services. Eligibility determination must be made without regard to age, color, creed, gender, national origin, race, religion, or type of significant disability of the individual applying for direct services. No State or local residence requirements may be imposed that would exclude any individual who is present in the State and who is otherwise eligible for direct services from receiving IL services.

Before an applicant for independent living services may begin receiving direct services, IL staff must determine the applicant's eligibility. IL staff must maintain documentation that the applicant has met the basic requirements in the consumer service record (CSR)

by using the “Service Record Form” or, for those persons not meeting eligibility, follow the procedures set forth under Ineligibility.

Determining eligibility is a three step process which culminates when IL staff circles whether the individual is “accepted” or “not accepted” and has signed and dated the appropriate section located on the Consumer Service Record.

Step one involves the process of determining whether the individual seeking services has a significant disability, documenting the type of disability, reporting whether the disability is self-reported or observed. Significant disability means a severe physical, mental, cognitive, or sensory impairment that substantially limits an individual’s ability to function independently in the family or community or to obtain, maintain, or advance in employment.

Step two reports the impact the disability has on the individual’s ability to function independently in the family or community, or whose ability to obtain, maintain, or advance in employment is substantially limited. IL staff report impact by circling the other disability-related services the person is receiving at the time of eligibility determination. It can be assumed that the agent/s of the organization that granted the disability related service fulfilled their duties in determining eligibility. If the individual is receiving any of the following services, it is determined that the individual has been impacted in one of the following ways: vocationally, educationally, and/or in their ability to support themselves. If IL staff is unable to identify a disability-related service where impact can be justified by reason of receiving the service, staff is to then write out the impact the disability has on the individual’s ability to live independently.

Step three of the process is to report the likelihood that the services will improve the person’s ability to function, continue functioning, or move toward functioning independently in the family or community or to continue in employment. IL staff accomplishes this by comparing the disability and its impact with the goal requested. Staff is to insure that the goal is within the scope of services that can be offered by the Center. A simple method of documenting likelihood is by writing that the person has a strong likelihood by reason that they sought out the Center’s services to achieve their goal/s. This shows motivation and willingness to achieve the defined goal.

Should it become evident during the eligibility process that a consumer would benefit from other services, the consumer is made aware of other services in the community that they could benefit from and the referral to those agencies are made. In addition, should the consumer request a referral to another agency for services, assistance is provided by IL staff in this referral process.

Ineligibility results when an applicant does not meet the criteria as defined within the section under eligibility, is an active drug user, or is an alcoholic and actively using. For determination of ineligibility due to not fulfilling the eligibility requirements, the person would not have a significant disability, would have no impact by the disability, would not have a likelihood of benefiting from the services and/or that the goal/s were not within

the scope of services that can be offered by the Center.

If a finding of ineligibility is made, IL staff shall provide documentation of ineligibility in the Consumer Service Record. This determination is to be conducted only after full consultation with the applicant and, if the applicant chooses, the applicant's parent, guardian, or other legally authorized advocate or representative, or after providing a clear opportunity for this consultation. IL staff notifies the applicant and the applicant's designee in writing of the action taken and their rights of appeal through the Client Assistance Program (CAP). In the year following the date of ineligibility, if IL staff determines that the applicant's status has materially changed, the decision shall be reviewed unless the applicant refuses the review, is no longer in the State, or can't be located. All ineligibilities shall be kept in a file marked "ineligibilities."

To ensure compliance with the applicable regulations, eligibility requirements are reviewed collaboratively during Federal onsite compliance reviews

The DSU and SILC will participate as active members of the on-site review committees as carried out by the Rehabilitation Services Administration (RSA) during each of the reviews of the four CILs located within the State and insure that appropriate policies and procedures are fulfilled to insure compliance with the aforementioned. During interim periods each CIL and the SILC's 704 reports will be evaluated to insure compliance

#### 6.5 Independent Living Plans – 34 CFR 364.43(c)

- Provision of IL services in accordance with an IL plan complying with Sec. 364.52 and mutually agreed upon by the individuals with significant disabilities and the appropriate service provider staff unless the individual signs a waiver stating that an IL plan is unnecessary.

The DSU contracts/grant agreements include references to meeting the requirements of 34 CFR 364 & 366, which includes IL plans.

All CIL's are required to notify all consumers of their right to develop or waive the development of an ILP.

The policies and procedures followed by the CILS to ensure the ILP is developed and the goals are completed begins when a person requests IL services. Initially, IL staff will meet with the consumer for the purpose of establishing a working relationship with him/her, assisting the consumer in determining their independent living goals, what options are available to assist them in reaching these goals, and what barriers may exist. After eligibility is determined, the consumer is informed of their right to develop an ILP or to waive the plan if they so choose. An ILP is developed with the consumer, outlining the desired goals, steps to achieve those goals, responsibilities of the consumer and IL staff in carrying out the plan, and expected outcome including timeframe. The ILP is signed by both the consumer and IL staff. The consumer's right to waive the development of an ILP is explained, and signed documentation of all waiver

requests are contained in the consumer's file. Although the ILP is waived, IL staff is still required to record the goals, services and dates for the duration of services. Consumers are given a copy of their plan/waiver. Staff record the progress made towards the completion of each goal in the consumer service record. Although the development of an ILP may be waived by the consumer, the desired goals and guidelines for the support needed to achieve those goals, as determined by each consumer, are documented in the paper and electronic file by the Consumer's Independent Living Advocate (a plan is developed, whether formally or informally as a result of a waiver). At any point after the plan is developed or waived the goal can be reported by the consumer as achieved or dropped.

The DSU and SILC will participate as active members of the on-site review committees as carried out by the Rehabilitation Services Administration (RSA) during each of the reviews of the four CILs located within the State and insure that appropriate policies and procedures are fulfilled to insure compliance with the aforementioned. During interim periods each CIL and the SILC's 704 reports will be evaluated to insure compliance.

#### 6.6 Client Assistance Program (CAP) Information – 34 CFR 364.30

- Use of accessible formats to notify individuals seeking or receiving IL services under chapter 1 of title VII about the availability of the CAP program, the purposes of the services provided under the CAP, and how to contact the CAP.

In North Dakota, the CAP provides each CIL with written information regarding its services and contact information. The information is available in large print and braille and is made available in other formats upon request. The information is provided at intake to each consumer. In addition, every CIL consumer is told about the availability, purpose and services of the CAP and how to contact this program. A copy of the grievance procedure is given to the Consumer at that time. Both the explanation and receipt of CAP and grievance procedure are initialed and signed off on by the Consumer. A copy of the "Signature Affirmation" form is filed in the Consumer file.

#### 6.7 Protection, Use and Release of Personal Information – 34 CFR 364.56(a)

- Adoption and implementation of policies and procedures meeting the requirements of 34 CFR 364.56(a), to safeguard the confidentiality of all personal information, including photographs and lists of names.

The North Dakota CILs maintain written policies to assure and safeguard the confidentiality of all personal information, and release of information forms are used to comply with 34 CFR 364.56(a).

Each of North Dakota's CILs are responsible for the following method of assuring that consumer information is kept confidential and that its policy for acquiring signed

releases of information prior to sharing information about individual consumers with other services providers or entities is strictly adhered to:

IL staff will maintain the dignity and respect of each individual consumer served by maintaining standards of confidentiality. This includes the protection of all personal information, including photographs, personal characteristics, and lists of names. Therefore, IL staff will not disclose any information or confidences to anyone, except, where mandated by law, to prevent a clear and immediate danger to the person or to persons, where compelled to do so by a court or pursuant to the rules of the Court. IL staff will insure that all records are stored or disposed of in a manner that maintains confidentiality and that any information received while working with an individual remains in confidence no matter if IL staff is currently employed or no longer employed by the Center.

The CSR of each consumer served within a three year period will remain in the geographical confines of the designated CIL office. A CSR may be checked out by IL staff in order to deliver services. Whenever personal information is needed or exchanged from or with another service provider a Release of Information Form is to be completed. The Release of Information Form is to be filled out completely with the consumer signature and date of signature on the appropriate lines. The consumer signature represents approval by the consumer for the Release with the staff signature representing that it was witnessed. IL staff is to also insure that the length for the release is written on the form and will not exceed 6 months from the point at which it was developed.

As part of the process, the following points need to be addressed with each person asked to provide a release, regardless of whether the release is being used for the CIL to obtain information or to give information.

As part of this process, IL staff is to identify

- the authority from which information can be released,
- the principal service/reason why the information is needed to be released,
- whether the release is mandatory or voluntary and the effects to the individual of not providing the release,
- identification of those situations in which the service provider requires or does not require informed written consent of the individual or his or her legally authorized representative before information can be released, and
- identification of those agencies to which information is routinely released.

All releases should have corresponding charting within the Consumer Service Record

The DSU and SILC will participate as active members of the on-site review committees as carried out by the Rehabilitations Services Administration (RSA) during each of the reviews of the four CILs located within the State and insure that appropriate policies and procedures are fulfilled to insure compliance with the aforementioned

## Section 7: Evaluation

Describe the method that will be used to periodically evaluate the effectiveness of the plan in meeting the objectives established in Section 1. The description must include the State's evaluation of satisfaction by individuals with significant disabilities who have participated in the program. 34 CFR 364.38

Evaluation is recognized as a significant step in determining the effectiveness of the independent living services delivery system. The following process is used by the Statewide Independent Living Council to regularly review its objectives and timeframes. A matrix of yearly activities has been developed so that the Council's quarterly meetings reflect these objectives and timeframes.

1. The Council will review progress towards meeting the objectives of the State Plan four times a year.
2. The Council will require Independent Living Centers to use a uniform format for reporting their quarterly activities. These reports, at a minimum, should include the number of consumers served, and services provided. Information about outreach and community education and development activities will be included in these quarterly reports. These reports are to be produced in a timely and consistent manner.
3. Each center for independent living will conduct a consumer satisfaction survey at least annually. The results of these surveys will be reported to the Council.
4. Each consumer will be advised of the existence of the Client Assistance Program and the process they may follow if they have a complaint against a center for independent living. The Council will request a report from the Client Assistance Program at the end of the fiscal year regarding Client Assistance activities initiated by Independent Living consumers.

### Goal I:

**The Statewide Independent Living Council recruits and maintains an active, cross-disability, consumer-controlled membership.**

- A. The Governance Committee has strategies to fill positions with active members with diverse backgrounds on a quarterly basis.
  1. The Governance Committee communicates with the Governor's Office regarding membership as needed.
  2. The Governance Committee will recruit members.
- B. The SILC members are made knowledgeable about the roles and responsibilities of the SILC and its committees, IL philosophy, and IL services during their first term on the council.
  1. The SILC assigns a mentor to new SILC members.
  2. Each new member will tour a CIL and meet with staff and consumers with the first year of their term.
  3. The Governance Committee trains new members on the roles and responsibilities of the SILC and its committees, IL philosophy, and IL services.
  4. Committee members and chairs are appointed by the SILC President.
  5. The Internal Affairs Committee will monitor the implementation of the SPIL goals

and objectives.

6. Each committee develops an annual work plan that is reviewed by the Council.
7. The SILC members complete a training needs assessment to determine the training provided at quarterly meetings by the Governance Committee
8. The SILC members complete a survey to determine their level of involvement in the Council and any changes they would like to see made.
9. The SILC encourages the CILs attendance at training and workshops annually based on needs expressed in their regions

**Goal II:**

**The needs of individuals with disabilities are identified and met by current IL agencies.**

- A. SILC members and CILs obtain knowledge of the consumer needs regarding IL services in North Dakota on an ongoing basis.
  1. The CILs and SILC conduct continuing consumer needs assessment regarding Independent Living Services in North Dakota.
  2. The SILC, CILs, VR, and State Rehabilitation Council (SRC) hold forums to obtain consumer and interagency planning input at least every three years.
  3. The CILs identify the needs of unserved and underserved populations on an ongoing basis.
  4. The CILs will expand services to unserved and underserved counties.
  5. The SILC will invite each 121 VR program to present on the independent living needs of the unserved and underserved residents living on the reservations.
  6. The CILs demographic data is evaluated annually and compared with other data maintained on people with disabilities throughout the state to determine unserved and underserved populations.
  7. The SILC and DSU review the results of CILs consumer satisfaction surveys annually.
- B. The CILs, in collaboration with other disability related agencies, identify services and distribute information to benefit consumers.
  1. A SILC Member, CIL Director or designee will attend transportation, accessible housing and employment meetings, as identified in the needs assessment, to advocate for the needs of the disability community. A report will be provided to the SILC.
  2. The SILC & CILs will work in partnership with the Department of Transportation to coordinate accessible transportation statewide.
  3. The SILC and CILs maintain open communication with service providers and disability groups to identify services and disseminate information to benefit people with disabilities.
  4. The SILC will invite organizations that provide services to youth with disabilities to the SILC meetings to present on the unserved independent living needs of youth with disabilities.

**Goal III:**

**North Dakota citizens are aware of the Independent Living philosophy and services available through IL agencies.**

- A. The SILC, DSU, and CILs collaborate to increase public awareness regarding independent living on an ongoing basis.
  - 1. The public will be provided with education materials, such as brochures and fact sheets, which include information on the philosophy and services of independent living.
  - 2. Each CIL and DVR will provide a link to the SILC on their website.
  - 3. The SILC, in collaboration with the DSU, will design a webpage and actively manage and update the information and links to other disability agencies.
    - a. The SILC will evaluate the effectiveness of the webpage by the number of individuals visiting the site and the pages most frequently visited.
  - 4. The SILC will develop materials to communicate the mission of the State Independent Living Services (SILs) Program and increase the awareness of independent living services.
  - 5. CILs will participate in public radio & television broadcasts and publish newspaper articles to provide IL awareness.
  - 6. The CILs and SILC will submit to the DSU any press releases that will be published in local and statewide newspapers informing the public of SILC members appointments to the Council and IL achievements and information.

#### **Goal IV:**

#### **The SILC, DSU and CILs will collaborate with other disability organizations.**

- A. The SILC, State Rehabilitation Council (SRC), Centers for Independent Living, the Designated State Unit (DSU), and other disability-related organizations maintain open communication on an ongoing basis.
  - 1. The SRC and SILC share information.
    - a. The SILC will recommend a representative to serve on the SRC.
  - 2. CILs and Regional VR Offices are made aware of the services provided by each entity on an annual basis.
    - a. CILs and VR staff maintain communication and collaboration.
  - 3. SILC invites organizations such as the Veterans Administration and other veteran organizations, mental health agencies, transition agencies, age 0 – 5 agencies and other disability-related organizations to each quarterly meeting.
- B. The SILC/CIL members are available to provide information to elected officials and policy makers concerning IL issues and philosophy.
  - 1. The External Affairs Committee, CILs and the DSU track bills that are pertinent to IL and provide a report to the council during legislative sessions. This information will be used to inform consumers on statewide IL issues.
- C. Begin a conversation with people with disabilities and organizations who serve people with disabilities to determine the needs of people with disabilities. Organizations who serve minority disability groups will be encouraged to collaborate on the local level.

#### **Section 8: State-Imposed Requirements**

Identify any State-imposed requirements contained in the provisions of this SPIL. Indicate N/A if not applicable. 34 CFR 364.20(h)

ND Century Code also requires that two CIL directors be SILC members, which goes beyond the federal statute, which requires that one CIL director be a SILC member.